THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16392 OF 1998

DATED 18th OCTOBER, 2006

BETWEEN

J.Poornachandra Reddy

… Petitioner

and

The District Collector, Chittoor, Chittoor District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16392 OF 1998

ORDER:

The petitioner is resident of Nallangadu village of Bangarupalyem Mandal in Chittoor District. He filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in assigning the land admeasuring Acs.1.75 cents in survey No.164/2 as house sites to third parties as illegal and arbitrary. It is the case of the petitioner that he owns lands in survey No.164-3 (Acs.0.51 cents) and survey No.65 (Acs.3.58 cents) and that he is using the rasta poramboke in survey No.164/2 as access to his lands. Therefore, he contends that if the rasta poramboke is assigned to third parties without properly classifying it as Assessed Waste Dry (AWD), the same is illegal.

A counter affidavit is filed. The fact that there is rasta poramboke in survey No.164/2 is not denied. The allegation that steps are afoot to assign the said rasta poramboke to third parties is also not denied. It is stated that the petitioner sold away the mango garden in survey No.164/3 and 165. The counter also does not contain any averment that the District Collector – the competent authority; has issued any necessary proceedings after following due process of law, which classify rasta poramboke in survey No.164/2 as AWD. Therefore, as on today, the action of the respondents cannot be sustained.

In view of the above, the writ petition is disposed of observing that unless and until the rasta poramboke is classified in accordance with law as assessed waste dry after hearing the Gram Panchayat and other authorities, the rasta poramboke cannot be assigned as house site pattas.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

18.10.2006.
pln